IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE CIVIL JURISDICTION

CIVIL APPLICATION NO. 5334 OF 2007
IN
FIRST APPEAL NO. 25 OF 2002

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Office Notes, Office Memorandum of Coram, appearance, Court's orders or directions and Registrar's orders	Court's or Judge's orders

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Ms. Anulata Saundankar h/f.
Gauri Godse for the Applicant.
Mr. M.G. Barve for Respondent No.1.

CORAM : A.V. MOHTA, J.
DATE : 22ND OCTOBER,2007

P.C. :

. Admittedly, pursuant to the order dated 24th April 2002, the Applicant (Respondent NO.1) was allowed to withdraw 60% of the total amount deposited in the Court, without furnishing security and further directions issued that the balance 40% amount has been invested in Nationalised Bank. The submission that the Applicant need money for his medicine as he is in financial problem. Now, at this stage of the proceeding it is necessary to consider the present application to withdraw the 40% balance amount.

2. The learned Counsel for the Applicant is right in submitting that the Court has already granted order in his favour by allowing 60% of the amount without furnishing security. Therefore, it is necessary to secure the amount and for that reason only, the Court has passed the order on 24th April 2002. However, the application is allowed in terms of prayer clause (a) only if the Applicant furnish the Bank Guarantee within eight weeks. Failing which, the application stands dismissed so far as prayer clause (a) is concerned.

3. The matter cannot be listed for final hearing. The Applicant is 39 years old, such applications cannot be considered. The liberty is granted, however, to apply for early hearing after one year.

4. The application is disposed of accordingly.

(A.V. MOHTA,J.)